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4 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
5 AT TACOMA

6 MICHAEL CRAIG OKLER,

7 Plaintiff,

8 v.

9 MCC IMU PRISON, et al.,

10 Defendants.

Case No. C18-5458 RJB-TLF

ORDER STAYING PROCEEDINGS

11 This matter comes before the Court on plaintiff's motion for extension of time.
12 (Dkt. 35).

13 On February 7, 2020, plaintiff filed this motion requesting a "90-120 days
14 extension of time." Dkt. 35. Plaintiff indicates that he was released from Stafford Creek
15 Prison on an appeal bond to get a necessary surgical procedure. *Id.* Plaintiff further
16 indicates that he was reincarcerated at Lewis County Jail for driving with a suspended
17 license. *Id.* Plaintiff states that he is still incarcerated at Lewis County Jail without
18 access to his legal paperwork or access to the law library. *Id.* Plaintiff seeks this
19 extension during his incarceration to allow him time after his release to access his legal
20 documents. *Id.*

21 Defendants oppose plaintiff's requested extension of time. Dkt. 37. First,
22 defendants note that there is no pending deadline which plaintiff seeks to extend. *Id.*

1 Defendants also contend that plaintiff has failed to show good cause for the requested
2 delay or extension. *Id.*

3 The Court construes plaintiff's motion as a request to stay proceedings until he is
4 able to access his legal documents.

5 "A district court has discretionary power to stay proceedings in its own court."
6 *Lockyer v. Mirant Corp.*, 398 F.3d 1098, 1109 (9th Cir. 2005) (citing *Landis v. North*
7 *American Co.*, 299 U.S. 248, 254 (1936)). The court's broad discretion to stay a
8 proceeding is "incident to its power to control its own docket." *Clinton v. Jones*, 520 U.S.
9 681, 706-07 (1997).

10 When determining whether a stay is appropriate, the court must weigh the
11 competing interests that will be affected by granting or denying the stay. *Ali v. Trump*,
12 241 F.Supp. 3d 1147, 1152 (W.D. Wash. 2017) (citing *Lockyer*, 398 F.3d at 1110).
13 These interests include, "the possible damage which may result from the granting of a
14 stay, the hardship or inequity which a party may suffer in being required to go forward,
15 and the orderly course of justice measured in terms of the simplifying or complicating of
16 issues, proof, and questions of law which could be expected to result from a stay."
17 *Lockyer*, 398 F.3d at 1110 (quoting *CMAX, Inc. v. Hall*, 300 F.2d 265, 268 (9th Cir.
18 1962)).

19 The Court finds the interest of justice and judicial efficiency warrant a stay in this
20 case. Here, plaintiff indicates that he has been temporarily incarcerated without his legal
21 materials and without access to the law library. Dkt. 35. Plaintiff has also stated that his
22 current incarceration is for a period of 77 days, and that once he is released he will have
23 access to his legal documents and be able to proceed in this matter. Dkt. 35.

1 Accordingly, considering plaintiff's current inability to access the materials necessary to
2 proceed in this matter and plaintiff's relatively brief period of current incarceration, a stay
3 of proceedings is warranted.

4 For the above stated reasons, the Court ORDERS:

5 (1) Plaintiff's motion (Dkt. 35) is GRANTED and the current proceedings are
6 stayed for 90 days from the date of this Order;

7 (2) On June 3, 2020, the parties shall submit a Joint Status Report informing the
8 Court of the status of this action;

9 (3) If plaintiff is released from his current incarceration and has access to his
10 legal documents prior to June 3, 2020, plaintiff is directed to notify the Court;
11 and

12 (4) The Clerk shall send a copy of this Order to the parties.

13 Dated this 5th day of March, 2020.

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16 Theresa L. Fricke
17 United States Magistrate Judge
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